

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHANDLER P. SMITH	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	No. 12-2189
	:	
SECRETARY OF THE DEPARTMENT OF	:	
ENVIRONMENTAL PROTECTION OF	:	
PENNSYLVANIA,	:	
Defendant.	:	
	:	

**ORDER**

**AND NOW**, this 4<sup>th</sup> day of December, 2013, upon consideration of the Defendant's motion to dismiss (Doc. No. 22), the Third Circuit's order vacating a portion of this Court's prior Order granting the motion to dismiss, the parties' submissions regarding the question presented, and for the reasons stated in the accompanying memorandum opinion, it is **ORDERED** that the motion is **DENIED** insofar as it regards Plaintiff's claims for injunctive relief.

**BY THE COURT:**

/s/ Mitchell S. Goldberg

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**Mitchell S. Goldberg, J.**